

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

<b>MARSHA WILLIAMS</b>	<b>*</b>	<b>CIVIL ACTION NO. 09-0464</b>
<b>VERSUS</b>	<b>*</b>	<b>JUDGE JAMES T. TRIMBLE, JR.</b>
<b>LABORATORY CORPORATION OF AMERICA, ET AL.</b>	<b>*</b>	<b>MAG. JUDGE KAREN L. HAYES</b>

**MEMORANDUM ORDER**<sup>1</sup>

Before the Court is defendant, Laboratory Corporation of America (“LabCorp”)’s unopposed<sup>2</sup> motion to compel discovery responses. [doc. # 21].<sup>3</sup>

On September 22, 2009, LabCorp served plaintiff Marsha Williams with its First Set of Interrogatories and its First Requests for Production of Documents. (Def. Exhs. [doc. # 22]). In correspondence dated November 17 and 24, 2009, defense counsel confirmed the parties’ understanding that plaintiff would respond to the outstanding discovery no later than December 4, 2009. Nonetheless, plaintiff has neither responded to the discovery request, nor sought an extension of time in which to do so.

Accordingly, LabCorp’s motion to compel [doc. # 21] is hereby **GRANTED** and **IT IS**

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<sup>1</sup> As this is not one of the motions excepted in 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this ruling is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

<sup>2</sup> Defendant filed its motion to compel on December 8, 2009. The delay to file a response has lapsed; thus, the motion is deemed unopposed. *See* Notice of Motion Setting [doc. # 23].

<sup>3</sup> Defendant also requests costs and fees associated with filing the motion.

**ORDERED** that plaintiff fully and completely respond to defendant's First Set of Interrogatories and First Requests for Production of Documents within fifteen (15) days of the date of this order.<sup>4</sup> As no prior order compelling responses has been entered against plaintiff in this case, defendant's request for fees and costs is **DENIED**, but plaintiff is cautioned that further failures to respond timely to discovery or to comply with the orders of this court will lead to the imposition of sanctions, up to and including possible dismissal of this action.

THUS DONE AND SIGNED at Monroe, Louisiana, this 7<sup>th</sup> day of January 2010.

  
KAREN L. HAYES  
U. S. MAGISTRATE JUDGE

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<sup>4</sup> In the absence of good cause shown, plaintiff's failure to timely respond has caused her to waive her right to object to the discovery requests. *See* Fed.R.Civ.P. 33(b); *In Re U.S.*, 864 F.2d 1153, 1156 (5<sup>th</sup> Cir. 1989).